

COMMONWEALTH OF VIRGINIA



Information Technology Resource Management Guideline

INTERNET PRIVACY GUIDELINES

FINAL DRAFT

Department of Technology Planning

PREFACE

PUBLICATION DESIGNATION

COV ITRM Guideline SEC2000-02.1

SUBJECT

Guidelines for the Public Body Internet Privacy Policy and the Internet Privacy Policy Statement

EFFECTIVE DATE

XXXXXXXX

SUPERSEDES

New

SCHEDULED REVIEW

One (1) year from effective date

AUTHORITY

Code of Virginia § 2.1-51.47

(Powers and Duties of the Secretary of Technology)

Code of Virginia § 2.1-51.48

(Powers and Duties of the Council on Technology Services)

Code of Virginia § 2.1-563.35:3

(Powers and Duties of the Department of Technology Planning)

Code of Virginia §2.1-380

Administration of systems including personal information; Internet privacy policy

Executive Order 51 (99)

Implementing Certain Recommendations by the Governor's Commission on Information Technology

SCOPE

These *guidelines* are applicable to each public body that has an Internet website associated with that public body. It is optional for those public bodies with only Intranet websites. These guidelines do not apply to systems as defined in § 2.1-384.

Public bodies, as defined in §2.1-341, “means any legislative body; any authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties; municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include any committee or subcommittee of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee or subcommittee because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.”

PURPOSE

To provide guidelines to public bodies with Internet websites for developing an Internet Privacy Policy and an Internet Privacy Policy Statement.

GENERAL RESPONSIBILITIES

Secretary of Technology (SOTECH)

The Code of Virginia, §2.1-380, "Administration of agency systems including personal information; Internet privacy policy," states the Secretary of Technology or his designee, shall provide guidelines for developing the Internet Privacy Policy and the Internet Privacy Policy Statement, and each public body shall tailor the policy and the statement to reflect the information practices of the individual public body. SOTECH has designated DTP as the agency to provide these guidelines.

Secretary of Technology (SOTECH), Secretary of Administration (SOA), Council on Technology Services (COTS)

Executive Order 51 (99) states, "The Secretary of Technology and the Secretary of Administration, working with the Council on Technology Services, shall jointly develop uniform guidelines for clear and explicit privacy policies and practices for agency Web sites."

Department of Technology Planning (DTP)

In accordance with the Code of Virginia, §2.1-563.35:3, the Department of Technology Planning is assigned the following duties: "To develop and promulgate policies, standards, and guidelines for managing information technology in the Commonwealth

Public Bodies

Each public body, as defined in the Code of Virginia, §2.1-341, that has an Internet website associated with that public body shall develop an Internet privacy policy and an Internet privacy policy statement that explains the policy to the public. The policy shall be consistent with the requirements of the Code of Virginia, §2.1-380. By January 1, 2001, the statement shall be made available on the public body's website in a conspicuous manner.

Each public body shall tailor the policy and the statement to reflect the information practices of the individual public body. At minimum, each public body's Internet Privacy Policy and Internet Privacy Policy Statement shall address (i) what information, including personally identifiable information, will be collected, if any; (ii) whether any information will be automatically collected simply by accessing the website and, if so, what information; (iii) whether the website automatically places a computer file, commonly referred to as a "cookie," on the Internet user's computer and, if so, for what purpose; and (iv) how the collected information is being used or will be used.

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SECTION 1

INTRODUCTION

Purpose

To provide guidelines to public bodies with Internet websites for developing an Internet Privacy Policy and an Internet Privacy Policy Statement in accordance with §2.1-380 and Executive Order 65. These guidelines do not apply to systems as defined in § 2.1-384 and are optional for websites maintained exclusively for use on Intranets.

Definition of a Guideline

Guidelines are directives and specifications, similar to standards, but advisory in nature. In essence, guidelines constitute recommendations that are not binding; however, it should be noted that parts of these guidelines contain mandatory requirements from the Code of Virginia. Where that is the case, the terms “shall” or “must” are used.

Background

Virginia law requires that public bodies shall collect, maintain, use, and disseminate only that personal information permitted or required by law to be so collected, maintained, used, or disseminated, or necessary to accomplish a proper purpose of the agency. Virginia law also states that personal information shall not be collected unless the need for it has been clearly established in advance and that the personal information shall be appropriate and relevant to the purpose for which it has been collected. Virginia law further states that citizens should have access to public records and requires public bodies to provide copies of such records to requesting citizens, with certain specific exemptions.

When personal information is collected there are specific requirements outlined in the Virginia Privacy Protection Act (Code of Virginia [§ 2.1-377 – 386](#)) which must be followed (Appendix 2).

As defined in the Code of Virginia, §2.1-379, “The term “personal information” means all information that describes, locates or indexes anything about an individual including his real or personal property holdings derived from tax returns, and his education, financial transactions, medical history, ancestry, religion, political ideology, criminal or employment record, or that affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such individuals; and the record of his presence, registration, or membership in an organization or activity, or admission to an institution. The term does not include routine information maintained for the purpose of internal office administration whose use could not be such as to affect adversely any data subject nor does the term include real estate assessment information.”

SECTION 2

THE GUIDELINES

General Approach

1. Every public body that maintains an Internet website shall develop an Internet Privacy Policy and an Internet Privacy Policy Statement before December 1, 2000. The Internet Privacy Policy Statement shall be posted on the public body website before January 1, 2001.
2. Websites should be designed to collect only the minimum amount of information necessary for the public body to conduct its stated business. Internet Servers do collect communication protocol addresses from the personal computers accessing the website in order to facilitate communication.
3. The Internet Privacy Policy and Internet Privacy Policy Statement shall explicitly state:
 - what information, including personally identifiable information, will be collected, if any;
 - whether any information will be automatically collected simply by accessing the website and, if so, what information;
 - whether the website automatically places a computer file, commonly referred to as a "cookie," on the Internet user's computer and, if so, for what purpose; and
 - how the collected information is being used or will be used.

The following should also be included:

- a prescribed procedure for an individual to learn the purpose for which information has been recorded and particulars about its use and dissemination; and
 - a clearly prescribed and uncomplicated procedure for an individual to correct, erase or amend inaccurate, obsolete or irrelevant information.
4. The Internet Privacy Policy Statement or a link to the Internet Privacy Policy Statement will be featured in a conspicuous manner on the website home page, preferably at the top.
 5. The Internet Privacy Policy Statement should also state that any personal information that is collected and retained is maintained in compliance with the Virginia Privacy Protection Act, Code of Virginia § 2.1-377 – 386, included as Appendix 2.
 6. Under the Virginia Freedom of Information Act (FOIA), citizens generally have the right to inspect and copy public records. Except where an applicable FOIA exemption or other statutory exemption is available, the collection of logs and data of a website is a public record. The Internet Privacy Policy Statement will note this to remind users that the information collected may be provided to anyone that requests it under FOIA.

- Modern information technology tools have the potential to extended the meaning of “personal information” to include the web browsing habits of users of the Internet. Web browsers have been designed with the ability to collect and pass potentially identifying information via “cookies” that the user may not even be aware of. Internet servers collect very specific information necessary to allow the transfer of information between computers. Until this issue is clarified, each public body should include a description of all types of data collected in their Internet Privacy Policy Statement.
8. Colleges and Universities that provide web-hosting services for students will provide guidelines similar to those described above to their students and encourage their compliance.

Example Policy Statement

[Name of Public Body] Internet Privacy Policy Statement (Last updated on [date])

The following information explains the Internet Privacy Policy which the [name of public body] has adopted for its website (web pages at addresses beginning with "http://www._____"). The following is intended to explain our current Internet privacy practices but shall not be construed as a contractual promise. We reserve the right to amend our Internet Privacy Policy and Internet Privacy Policy Statement at any time without notice.

Virginia law

We maintain our records in accordance with our obligations as defined by applicable Virginia statutes, including, but not limited to, the Virginia Privacy Protection Act of 1976, the Virginia Freedom of Information Act, and by any applicable U.S. federal laws.

Links to other websites

Our website may contain links to other public or private entities' websites, whose privacy practices we do not control.

Information we collect

When you access our website, the routing information and the essential and nonessential technical information listed below is automatically collected. No other information is collected through our website except when you deliberately decide to send it to us (for example, by clicking on a link to send us an email). The information you might choose to send us is listed below as "optional information."

Routing information - the Internet domain and Internet address of the computer you are using.

Essential technical information - identification of the page or service you are requesting, type of browser and operating system you are using; and the date and time of access.

Nonessential technical information - the Internet address of the website from which you linked directly to our website [, and the "cookie information" described below].

Optional information - when you send us an email, your name, email address, and the content of your email; when you fill out online forms, all the data you choose to fill in or confirm.

Cookies

Our website does not place any "cookies" on your computer.

-OR

[Our website places "cookies" on your computer, unless your browser is set to reject cookies. The cookies enable our website to recognize you when you return to the website at a later date or time and enables us to personalize the website with preferences or information you have provided during prior sessions. The cookie information placed on your computer by this website includes the following: _____.]

How the collected information is used

Routing information is used to route the requested web page to your computer for viewing. We send the requested web page and the routing information to our Internet Service Provider (ISP) or other entities involved in transmitting the requested page to you. We do not control the privacy practices of those entities. Essential and nonessential technical information helps us respond to your request in an appropriate format, or in a personalized manner, and helps us plan website improvements.

Optional information enables us to provide services or information tailored more specifically to your needs or to forward your message or inquiry to another entity that is better able to do so, and also allows us to plan website improvements.

We may keep your information indefinitely, but we ordinarily delete the routing information from our computer within [X] days after the web page is transmitted and do not try to obtain any information to link it to the individuals who browse our website. We use this routing information primarily in a statistical summary type format to assess site content and server performance. We may share this summary information with our business partners when needed.

However, on rare occasions when a "hacker" attempts to breach computer security, logs of routing information are retained to permit a security investigation and in such cases may be forwarded together with any other relevant information in our possession to the appropriate law enforcement agency.

Optional information is retained in accordance with the records retention schedules at the Library of Virginia.

Under FOIA, any records in our possession at the time of a Freedom Of Information Request might be subject to being inspected by or disclosed to members of the public for any purpose they may desire.

Choice to provide information

There is no legal requirement for you to provide any information at our website. However, our website will not work without routing information and the essential technical information. Failure of your browser to provide nonessential technical information will not prevent your use of our website, but may prevent certain features from working. Failure to provide optional information may mean that the particular feature or service associated with that part of the web page would not be available to you.

Customer comments or review

If you have questions about this privacy statement or the practices of this website or if you choose to review or correct any information, please contact us at (email address or phone number, etc.)

APPENDIX 1

Assignment of Uniform Alphanumeric Publication Designations for all Policies, Standards, and Guidelines

The Department of Technology Planning is responsible for assigning a uniform alphanumeric Publication Designation (PD) to all Commonwealth of Virginia (COV) Information Technology Resource Management (ITRM) Policies, Standards, and Guidelines (PSG). The PD is derived, in part, from components of the Commonwealth Enterprise Architecture (EA) known as “Infrastructure Domains.” The “Infrastructure Domains” and Governance are defined in the [Commonwealth EA Glossary](#). The Governance code is used to identify those PSG that are not uniquely related to a specific infrastructure domain, e.g. “IT Project Management” or “IT Project Oversight.”

The following alpha codes will be used to identify each PSG:

Infrastructure Domains + Governance

Code

Governance and Transitional Processes	GOV
Platform Architecture	PLA
Database Architecture	DAT
Network Architecture	NET
Security Architecture	SEC
Cost Allocation Architecture	COS
Systems Management Architecture	SYS
Information Architecture	INF
Application Architecture	APP
Middleware Architecture	MID

Publication Designations are constructed as follows:

COV ITRM (“Policy,” “Standard,” or “Guideline”) XXXYYYY-ZZZ

Where: XXX is the assigned Infrastructure Domain + Governance code;
 YYYY is the year of initial issue; and
 ZZZ is the sequential number assigned to link related PSG

Example: COV ITRM Standard GOV2000-01.1 is a Standard that implements
 COV ITRM Policy GOV2000-01.1

Appendix 2

Virginia's Privacy Protection Act of 1976

[Insert the applicable sections of the Code in this section]